

MINUTES-CITY OF BEAUMONT

W.L. Pate, Jr., At-Large Claude F. Guidroz, Ward I Audwin Samuel, Ward III Tyrone E. Cooper, City Attorney Kyle Hayes, City Manager

BECKY AMES, MAYOR CITY COUNCIL MEETING July 26, 2016

Gethrel Wright, At-Large Michael D. Getz, Ward II Robin Mouton, Mayor Pro Tem Tina Broussard, City Clerk

The City Council of the City of Beaumont, Texas, met in a regular session on July 26, 2016, at the City Hall Council Chambers, 801 Main Street, Beaumont, Texas, at 1:30 p.m. to consider the following:

OPENING

Invocation Pledge of Allegiance Roll Call

Presentations and Recognition

Public Comment: Persons may speak on scheduled agenda items 2-6/Consent Agenda

Consent Agenda

Mayor Ames called the council meeting to order at 1:30 p.m.

Pastor Airon Reynolds of Borden Chapel Missionary Baptist Church gave the invocation. Mayor Ames led the Pledge of Allegiance. Roll call was made by Tina Broussard, City Clerk.

Present at the meeting were Mayor Ames, Councilmembers Guidroz, Getz, Wright, Pate and Samuel. Absent: Mayor Pro Tem Mouton. Also present were Kyle Hayes, City Manager; Tyrone Cooper, City Attorney; Tina Broussard, City Clerk.

Mayor Pro Tem Mouton was absent due to being out of the City.

Proclamations, Presentations, Recognitions

"National Hospitality House Week" – July 25-29, 2016 – Proclamation read by Councilmember Wright; accepted by Bel Morian, Executive Director of Anayat House and Brooke Morrow, Executive Director of the Albert E. & Gena Reaud Guest House

"Pioneering Women" - August 4, 2016 - Proclamation read by Mayor Ames; accepted by Dorrie Adolph and other Pioneering Women members as well as the honorees

Public Comment: Persons may speak on scheduled agenda items 2-6/Consent Agenda.

None

CONSENT AGENDA

- Approval of minutes July 12, 2016
- Confirmation of committee appointments None

- A) Authorize the acceptance of one (1) ten foot (10') wide Water Line Easement located at 6350 Walden Road **Resolution 16 126**
- B) Authorize the City Manager to reject an Earnest Money Contract for the sale of 125 Magnolia Avenue **Resolution 16 127**
- C) Authorize the City Manager to execute Change Order No. 2, accept maintenance and authorize final payment to BDS Constructors, LLC dba MK Constructors for the Goodhue Road Sanitary Sewer Project **Resolution 16 128**
- D) Approve the award of an annual contract to Progressive Waste Solutions, Inc., of Kountze for waste collection at City facilities **Resolution 16 129**

Councilmember Guidroz moved to approve the Consent Agenda. Councilmember Samuel seconded the motion.

AYES: MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE AND

SAMUEL

NAYS: NONE

MOTION PASSED

GENERAL BUSINESS

1. Consider a request for a Specific Use Permit to operate a church in a R-S (Residential-Single Family Dwelling District) at 7820/7880 Washington Boulevard.

Gospel Tabernacle of Beaumont would like to construct a new church facility on their property at 7820/7880 Washington Boulevard. This property along with all of the surrounding property is zoned and developed, as single family residential. A church would be compatible with the area. Utilities are available at this site and parking is adequate for the proposed structure. Services are held Sunday evenings and Tuesday evenings at their current location.

At a Joint Public Hearing held on July 18, 2016, the Planning Commission voted 6:0 to approve a request to consider a Specific Use Permit to operate a church in a R-S (Residential-Single Family Dwelling District) at 7820/7880 Washington Boulevard with the following conditions:

- 1. A 8 foot wood or masonry privacy fence be constructed at the property line to buffer adjacent properties when adjacent lots are developed.
- 2. If remaining property to the north is sold, the dumpster must be removed from the 10 foot wide landscaped buffer.
- 3. Provide a sidewalk along Washington Boulevard or obtain a sidewalk waiver.

Approval of the ordinance with the following conditions:

- 1. A 8 foot wood or masonry privacy fence be constructed at the property line to buffer adjacent properties when adjacent lots are developed.
- 2. If remaining property to the north is sold, the dumpster must be removed from the 10 foot wide landscaped buffer.
- 3. Provide a sidewalk along Washington Boulevard or obtain a sidewalk waiver.

Councilmember Getz moved to adopt an ordinance entitled an ordinance granting a specific use permit to allow a church in an RS (residential single family dwelling) district at 7820/7880 washington boulevard, with the conditions, in the city of beaumont, Jefferson county, texas. Councilmember Wright seconded the motion.

AYES:

MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE AND

SAMUEL

NAYS:

NONE

MOTION PASSED

Ordinance 16 - 036

2. Consider a resolution approving the award of a bid to LD Construction of Beaumont for the Avenue A Asphalt Rehabilitation Project (From Elgie to US 69 Frontage).

The sections of Avenue A from Elgie to US 69 Frontage are heavily traveled, two (2) lane roadways, that have experienced numerous failures, and recently have undergone water and sewer utility rehabilitation.

On Thursday, July 7, 2016, bids were solicited for furnishing all labor, materials, equipment and supplies for the project. Four (4) bids were received as follows:

Contractor	Location	Bid
LD Construction	Beaumont, Texas	\$642,783.50
A-1 Construction Services	Houston, Texas	\$702,669.38
APAC	Beaumont, Texas	\$721,446.75
Hayden Paving, Inc.	Houston, Texas	\$754,600.20

A total of 60 calendar days are allocated for the completion of the project. LD Construction is a Certified MBE/HUB company.

Approval of resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH LD CONSTRUCTION, OF BEAUMONT, TEXAS, IN THE AMOUNT OF \$642,783.50 FOR A CONTRACT TO PROVIDE ALL LABOR, MATERIALS, EQUIPMENT AND SUPPLIES FOR THE AVENUE A ASPHALT REHABILITATION (FROM ELGIE TO US 69 FRONTAGE) PROJECT BE ACCEPTED BY THE CITY OF BEAUMONT. Councilmember Pate seconded the motion.

AYES:

MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE AND

SAMUEL

NAYS:

NONE

MOTION PASSED

Resolution 16 - 130

3. Consider a resolution approving the award of a bid to BDS Constructors, LLC dba MK Constructors, for the Sanitary Sewer Lift Station Rehabilitation-Arthur Lane, Holiday Street & Voth Road Project.

This project shall provide for the removal and construction of a new sanitary sewer lift station at the Arthur Lane lift station site and replacement of two (2) existing pneumatic lift stations on Holiday Street and Voth Road. These stations currently require a high level of maintenance and repair and the new stations will improve the reliability of the sanitary sewer collection system.

On Thursday, July 7, 2016, bids were solicited for labor, materials, equipment and supplies for the project. Two (2) formal bids were received, as shown below, with BDS Constructors, LLC dba MK Constructors, as the apparent low bidder.

Contractor	Location	Bid
BDS Constructors, LLC dba MK	Vidor, Texas	\$594,133.00
Constructors		
Allco	Beaumont, Texas	\$836,459.00

A total of 180 calendar days are allocated for the completion of the project.

Approval of the resolution.

Councilmember Guidroz moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH BDS CONSTRUCTORS, LLC D/B/A MK CONSTRUCTORS, OF VIDOR, TEXAS IN THE AMOUNT OF \$594,133.00 FOR A CONTRACT TO PROVIDE ALL LABOR, MATERIALS, EQUIPMENT AND SUPPLIES FOR THE SANITARY SEWER LIFT STATION REHABILITATION-ARTHUR LANE, HOLIDAY STREET AND VOTH ROAD PROJECTS BE ACCEPTED BY THE CITY OF BEAUMONT. Councilmember Getz seconded the motion.

AYES:

MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE AND

SAMUEL

NAYS:

NONE

MOTION PASSED

Resolution 16 – 131

 Consider a resolution approving the award of a bid to BDS Constructors, LLC dba MK Constructors, for the Sanitary Sewer Lift Station Rehabilitation-Folsom Road, Major Drive & San Anselmo Street Project.

This project shall provide for the rehabilitation of the Folsom Road and Major Drive lift stations and replacement of the existing pneumatic lift station on San Anselmo Street. These stations currently require a high level of maintenance and repair. The repairs and new station will improve the reliability of the sanitary sewer collection system.

On Thursday, July 7, 2016, bids were solicited for labor, materials, equipment and supplies for the project. Two (2) formal bids were received as shown below with BDS Constructors, LLC dba MK Constructors, as the apparent low bidder.

Contractor	Location	Bid	
BDS Constructors, LLC dba MK	Vidor, Texas	\$254,463.00	
Constructors			
Allco	Beaumont, Texas	\$437,488.00	

A total of 180 calendar days are allocated for the completion of the project.

Approval of the resolution.

Councilmember Pate moved to APPROVE A RESOLUTION THAT THE CITY MANAGER BE AND HE IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT WITH BDS CONSTRUCTORS, LLC D/B/A MK CONSTRUCTORS, OF VIDOR, TEXAS IN THE AMOUNT OF \$254,463.00 FOR A CONTRACT TO PROVIDE ALL LABOR, MATERIALS, EQUIPMENT AND SUPPLIES FOR THE SANITARY SEWER LIFT STATION REHABILITATION-FOLSOM ROAD, MAJOR DRIVE AND SAN ANSELMO STREET PROJECTS BE ACCEPTED BY THE CITY OF BEAUMONT. Councilmember Getz seconded the motion.

AYES:

MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE AND

SAMUEL

NAYS:

NONE

MOTION PASSED

Resolution 16 – 132

5. Consider a resolution approving the purchase of pumps for various underpasses.

The existing pumps serving the underpasses at East Lavaca and East Virginia located on M.L.K. Jr. Parkway and the Eleventh Street and Fourth Street underpasses have reached their design life and require continuous maintenance and repair. These pumps are used to pump rain water from the underpasses to prevent flooding.

Pemsco is a sole source vendor that is authorized by the manufacturer to supply the pumps. The quote, which includes equipment and labor are shown below:

Location	Pump No.	Pump Cost	Motor Cost	Labor Cost	Total Cost
East Lavaca @ MLK	1	\$28,016.00	0.00	\$2,750.00	\$30,766.00
East Lavaca @ MLK	2	\$28,016.00	0.00	\$2,750.00	\$30,766.00
East Virginia @ MLK	1	\$23,931.00	0.00	\$2,750.00	\$26,681.00
East Virginia @ MLK	2	\$23,931.00	0.00	\$2,750.00	\$26,681.00
Eleventh Street	2	\$23,931.00	\$2,600.00	\$2,750.00	\$29,281.00
Eleventh Street	1	\$23,931.00	\$2,600.00	\$2,750.00	\$29,281.00
Fourth Street	2	\$23,000.00	0.00	\$2,750.00	\$25,750.00
TOTAL		\$174,756.00	\$5,200.00	\$19,250.00	\$199,206.00

The existing pumps have been inspected by the Engineering and Maintenance Divisions and replacement is recommended.

Approval of resolution.

Councilmember Samuel moved to APPROVE A RESOLUTION THAT THE CITY COUNCIL HEREBY APPROVES THE PURCHASE OF PUMPS FOR VARIOUS UNDERPASSES FROM PEMSCO, OF BEAUMONT, TEXAS, THE SOLE SOURCE VENDOR AUTHORIZED BY THE MANUFACTURER TO SUPPLY THE PUMPS, IN THE AMOUNT OF \$199,206. Councilmember Wright seconded the motion.

AYES:

MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE AND

SAMUEL

NAYS:

NONE

MOTION PASSED

Resolution 16 - 133

6. Consider a resolution approving the award of five (5), one (1) year contracts for the purchase of inventory materials to be used in the Water Utilities Department.

Bids were received from five (5) vendors for an annual contract for couplings, pipe fittings, valves, fire hydrants and other related materials for use by the Water Utilities Department. The materials are used in the repair and maintenance of existing water and sewer lines and installation of new service lines in order to maintain adequate water and sewer service throughout the City.

Specifications required bidders to submit pricing for 183 line items, separated into fifteen (15) specific sections. Bids were evaluated upon the lowest total price per section on an all or none basis and the best value to the City. Only bidders providing pricing for every item within each section were considered. Pricing is to remain firm for the term of the contract. Specifications also required all bids involving brass materials to quote items that are certified NSF61 lead-free compliant and are of domestic (USA) manufacture.

Low bid for Section 1 was submitted by CPR/MDN, Inc., of New Caney at \$250,311.50. The bid received from ACT Pipe & Supply of Beaumont for that section was \$252,113.00 which is within one percent (1%) of the low bid. ACT Pipe & Supply, Inc., has submitted proper forms requesting Local Vendor Preference which meet the requirements of Local Government Code 271.9051 and the City's Local Bidder Preference Policy which says, "If

the City received on or more bids from a bidder that is a 'local business' and whose bid is within five (5%) of the lowest bid price received by the City from a bidder who is not a 'local business' the City may enter into a contract with the lowest bidder or the local business' subject to compliance with the required forms. Because ACT Pipe & Supply submitted proper forms and are within 1% of the low bid, it is recommended that Section 1 be awarded to ACT Pipe & Supply as a Local Vendor Preference.

The administration recommended award of one (1) year contracts to the following vendors, in the amounts indicated: H.D. Supply & Waterworks, Inc., of Beaumont, \$459,846.37; Rural Pipe & Supply, Inc., of Jasper, \$1,040.00; Coburn's Inc., of Beaumont, \$360,754.50; ACT Pipe & Supply, Inc., of Beaumont; \$417,877.00; CPR/MDN, Inc., of New Caney; \$20,105.20. Total estimated contract value of \$1,259,623.07 represents an approximate \$87,122.53 (6.5%) reduction from the current contract.

Approval of resolution.

Councilmember Pate moved to approve a resolution that the city manager be and he is hereby authorized to execute one (1) year contracts with h.d. supply & waterworks, inc., of beaumont, texas, in the amount of \$459,846.37; rural pipe and supply of Jasper, texas, in the amount of \$1,040.00; coburn's, inc., of beaumont, texas, in the amount of \$360,754.50; act pipe and supply, inc., of beaumont, texas, in the amount of \$417,877.00; and cpr/mdn,m inc., of new caney, texas, in the amount of \$20,105.20; for the purchase of couplings, pipe fittings, valves, fire hydrants and other related materials for use by the water utilities department, for an estimated total contract expenditure of \$1,259,623.07. Councilmember Guidroz seconded the motion.

AYES:

MAYOR AMES, COUNCILMEMBERS GUIDROZ, GETZ, WRIGHT, PATE AND

SAMUEL

NAYS:

NONE

MOTION PASSED

Resolution 16 - 134

COMMENTS

Councilmembers/City Manager/City Attorney comments on various matters

COUNCILMEMBER COMMENTS

MAYOR PRO TEM MOUTON -

ABSENT

COUNCILMEMBER GUIDROZ -

CONGRATULATED DEAN CONWELL, DIRECTOR OF CVB AND ALL THE VARIOUS DEPARTMENTS THAT CAME TOGETHER TO CREATE THIS WONDERFUL DEDICATION TO THE CATTAIL MARSH BOARDWALK, THIS SHOULD DRAW A LOT OF TOURISTS TO THE AREA, GAVE CONDOLENCES TO THE FAMILY OF AN ICON IN THE TENNIS COMMUNITY WAYNE DEYOUNG

COUNCILMEMBER GETZ -

CONGRATULATED DEAN CONWELL AND STAFF ON THE CATTAIL Marsh Boardwalk dedication, CONDOLENCES TO THE FAMILY OF WAYNE DEYOUNG, COMMENTED ON THE COVERED TENNIS COURTS, HAS A CONCERN WITH SEVERAL LEAKS ON TENNIS COURT NUMBER ONE (1), HE AND COUNCILMEMBER GUIDROZ SPOKE WITH THE CITY MANAGER IN REGARDS TO THE LEAKS, WOULD LIKE THE MANAGER TO BRIEF COUNCIL IN EXECUTIVE SESSION AS TO WHAT WILL BE DONE IN REGARDS TO THE LEAKS, STATED THAT HE HAS ALSO LEARNED THAT THE CITY OF BEAUMONT IS BEING SUED BY A MAN THAT WAS ARRESTED AT WALMART FOR SHOP LIFTING, THIS LAWSUIT HAS BEEN BROUGHT AGAINST THE CITY OF BEAUMONT, BEAUMONT POLICE DEPARTMENT AND THE CITY MANAGER, HAS ALSO DISCOVERED THAT THIS MAN IS BEING REPRESENTED BY THE LAW OFFICE OF AUDWIN SAMUEL, FEELS THAT THIS IS A CONFLICT OF INTEREST, ASKED THAT THE CITY ATTORNEY RESEARCH THIS AND IF NECESSARY GET AN ETHICS OR ATTORNEY GENERAL OPINION AS TO WHETHER OR NOT IT'S APPROPRIATE FOR A SITTING COUNCILMEMBER WHO HAS A LAW OFFICE TO REPRESENT SOMEONE THAT IS SUING THE CITY

COUNCILMEMBER WRIGHT -

GAVE CONDOLENCES TO THE DEYOUNG FAMILY, CONGRATULATED DEAN CONWELL AND STAFF ON THE GREAT JOB THEY DID ON THE CATTAIL MARSH BOARDWALK, ENCOURAGED ALL CITIZENS TO GO OUT AND ENJOY, ALSO COMMENTED ON A CONFLICT OF INTEREST THAT SHE HAS CONCERNS WITH, THINKS THAT IT'S A CONFLICT OF INTEREST WHEN A SITTING COUNCILMEMBER REPRESENTS OR GETS INVOLVED WITH THINGS THAT ARE GOING ON WITH THE BEAUMONT INDEPENDENT SCHOOL DISTRICT, STATED THAT THIS IS SOMETHING THAT SHE WOULD LIKE TO DISCUSS IN EXECUTIVE SESSION

COUNCILMEMBER PATE -

CONDOLENCES TO THE DEYOUNG FAMILY, STATED THAT HE HAS ASKED THAT ALL CITIZENS KEEP COUNCIL IN THEIR PRAYERS, HE IS STILL MAKING THAT REQUEST, STATED THAT IF YOU HAVE AN OPPORTUNITY TO DO SOMETHING NICE FOR SOMEONE TAKE THE OPPORTUNITY TO DO SO, ALSO CONGRATULATED CVB ON THE DEDICATION OF THE CATTAIL MARSH BOARDWALK, COMMENTED ON LIT AND BISD ON COMING TOGETHER TO OFFER STUDENTS COLLEGE COURSES FOR TWO YEARS WHILE IN HIGH SCHOOL, WHEN THEY GRADUATE THEY WILL DO SO WITH AN ASSOCIATES DEGREE AND THEN GO ON TO LAMAR UNIVERSITY AND FINISH WITH A BACHELOR'S DEGREE IF THEY SO CHOOSE

COUNCILMEMBER SAMUEL -

THANKED THE CITY MANAGER FOR GETTING THE INFORMATION BACK IN REGARDS TO THE GRASS AND WEED ABATEMENT THAT HE REQUESTED IN HIS WARD, COMMENTED ON HIS VACATION AND THE GREAT TIME HE HAD, AS WELL AS THE CONFERENCE THAT HE ATTENDED IN COLUMBUS, OHIO GAVE DETAILS ABOUT WHAT HE LEARNED FROM THE CONFERENCE

CITY ATTORNEY COOPER -

SPOKE IN RESPONSE TO COUNCILMEMBER GETZ REQUEST THAT HE PERCEIVES TO BE A CONFLICT OF INTEREST, AS HE STATED TO COUNCILMEMBER GETZ PRIOR TO THE MEETING, IT'S A PERSONAL MATTER AS TO COUNCILMEMBER SAMUEL AND HIS ATTORNEY PRACTICE, IF HE WERE TO FIND AN ETHICAL OPINION OR AN ATTORNEY GENERAL OPINION IT WOULD STILL BE A MATTER THAT THE COUNCIL COULD NOT ADDRESS, THE CITY DOESN'T HAVE AN ETHICAL ORDINANCE, COUNCIL HAS NO MEANS TO CENSOR COUNCILMEMBER SAMUEL

CITY MANAGER HAYES -

NONE

MAYOR AMES -

MADE COMMENT ON COUNCIL AND POLICIES, STATED THAT IT IS VERY HARD FOR COUNCILMEMBERS TO MAKE JUDGMENT ON ANOTHER COUNCILMEMBER, THE ENFORCEMENT IS REALLY ON THE CITIZENS BECAUSE THEY ARE THE ONES THAT ELECT COUNCILMEMBERS, THINKS THAT EACH INDIVIDUAL COUNCILMEMBER HAS TO MAKE THAT PERSONAL DECISION OWN THEIR OWN IF THEY SHOULD ABSTAIN FROM SOMETHING THAT IS A CONFLICT, STATED THAT THIS COUNCIL HAS ACCOMPLISHED A LOT, ASKED THAT COUNCIL WORK TOGETHER AND DO POSITIVE THINGS FOR THE CITIZENS AND TO NOT MAKE JUDGMENT ON EACH OTHER, ENCOURAGED ALL CITIZENS TO GO OUT AND VISIT THE CATTAIL MARSH BOARDWALK, WISHED COUNCILMEMBERS WRIGHT, GETZ AND PATE A HAPPY BIRTHDAY

Public Comments (Persons are limited to three minutes)

Jude Paredez

10620 Gage Rd.

Beaumont TX

Hoped that there's a lot of signage to remind parents to watch their kids while visiting the Cattail Marsh Boardwalk, stated that the Civilian Review Board is recommending that the Beaumont Police Department return to two men patrol, the one officer patrol was adopted some time ago to save money by dispatching a single officer to handle most calls, in actual implementation that one officer always requires backup so that two officers end up being dispatched as well as two cars with no money being saved, stated that if any citizen has been harmed by police misconduct, please contact the Civilian Review Board at 409-351-2401

Thefarro Richard

1960 Glendale St.

Beaumont TX

Stated that she has been issued a trespassing warrant that prohibits her from going near the Beaumont Police Department for any reason, her reason for being at the Police Department was because a sergeant wrote the wrong name on her victim statement and her benefits were denied, she was told that she needed to go back and get the statement corrected, stated she was thrown on the ground and handcuffed and the Police placed her on an involuntary 5150, stated that she has no money and no place to stay

Mark Taylor

2990 Texas St.

Beaumont TX

Spoke to Council in regards to human life and what's really important, commented on the trust of the legal system and that there's no transparency, spoke about segregation, poverty, oppression, prejudice, disrespect, rejection, bias, stated that there are so many in the community that live this every day, life is hard enough already and we should all give one another a chance

With there being no Executive Session, Council adjourned at 2:28 p.m.

Audio available upon request in the City Clerk's Office.

Berky Ames, Mayor

Tina Broussard, City Clerk